

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA
OKLAHOMA CITY DIVISION**

JAMES HAMILTON,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-15-1047-M
)	
REGIONAL MANAGEMENT CORP.)	
d/b/a REGIONAL FINANCE,)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT

Plaintiff, JAMES HAMILTON (Plaintiff), through his attorneys, alleges the following against Defendant, REGIONAL MANAGEMENT CORP. d/b/a REGIONAL FINANCE (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint alleges that Defendant negligently, knowingly and/or willfully violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (TCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. 1331.
3. Because Plaintiff resides in and Defendant does business within the State of Oklahoma, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1331(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Chickasha, Oklahoma.
6. Defendant is a business entity with its principal place of business in Arlington, Texas.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. Defendant places collection calls to Plaintiff seeking and attempting to collect on an alleged debt.
9. Defendant places collection calls to Plaintiff's cellular telephone at phone number (561) 691-08XX.
10. Defendant places collection calls to Plaintiff from phone numbers including, but not limited to, 405-224-1097, 405-224-1810, and 405-224-1816.
11. Per its prior business practices, Defendant's calls were placed with an automated dialing system ("auto-dialer").
12. On or around May 7, 2015, Plaintiff spoke with Defendant's representative and requested that Defendant cease placing calls to her cellular phone.
13. Plaintiff revoked any consent, express, implied, or otherwise, to receive automated collection calls from Defendant.
14. Despite Plaintiff's request to cease, Defendant continued to place at least forty-eight (48) automated calls to Plaintiff without consent to do so.

COUNT I

DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

15. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
16. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violations of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

17. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
18. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
19. All court costs, witness fees and other fees incurred; and
20. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, JAMES HAMILTON, demands a jury trial in this cause of action.

RESPECTFULLY SUBMITTED,

PARAMOUNT LAW

/s/ Victor R. Wandres

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